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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,644	08/30/2001	Dennis W. Smith	CXU-363	9437

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EXAMINER

ANGEBRANDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicati n No.

09/943,644

Applicant(s)

SMITH ET AL.

Examiner

Martin J Angebrannt

Art Unit

1756

--The MAILING DATE of this communication appears n the c ver sheet with the correspondence address --

THE REPLY FILED 25 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires seven months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 25 September 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 16,18,19,22-26,28,29 and 36-44.

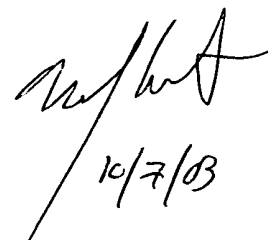
Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Martin J Angebrannt
Primary Examiner
Art Unit: 1756

Continuation of 3. Applicant's reply has overcome the following rejection(s): The prior art rejections excepting that of paragraph 17 of the final office action (EITHER of Smith, Babb et al. '164 or Babb et al. '038, combined with Kennedy et al., Fischbeck et al., Shacklette et al., Shaw et al. and Kaneko et al.) based upon the incorporation of the cladding limitation into the independent claims. .

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that none of the references suggest and inner core of the recited material. The examiner notes that the claims require only one core and that there is no outer core recited in the claims. As discussed in the previous advisory action, The references, particularly Fischbeck et al. describe the use of the TVE-PFCB materials as cores for waveguides and their desirable properties. Frankly, the use of cladding layers over core layers is old and well known in the optical waveguiding arts. Most waveguides have cladding layers, rather than merely use the air interface. The applicant is invited to peruse the prior art of record. To support this position, the examiner has applied Shacklette et al., Shaw et al. and Kaneko et al. which describe various thicknesses, properties and materials for the cladding layer. The requirements dovetail nicely with the physical properties of the various fluoropolymers taught by Shaw et al. One of ordinary skill in the art would prefer to use similar polymers to obviate any concerns with adhesion of the cladding to the core layer. Clearly the teachings of the exposure of a single layer to form both the core and the upper cladding layer directs one to the use of the same materials with differing degrees of curing. The fact that the lower cladding layer is formed separately also indicate that a separate coating may be used, otherwise irradiation through the substrate could be used similarly to the other exposure to selectively cure the intermediate layer to form a lower cladding layer. Shacklette et al. also teaches separate coating of the core and upper cladding. With waveguides, the optical properties dominate absent any adhesion issues. The rejection stands..



10/7/03